

NATO Decisionmaking: Au Revoir to the Consensus Rule?

by Leo G. Michel

Key Points

Since its creation in 1949, the North Atlantic Treaty Organization (NATO) has developed a tradition of making decisions by consensus. This requirement for general agreement among all members on positions or actions taken in the name of NATO has survived serious internal rifts and four rounds of enlargement.

Yet influential Americans are asking whether the consensus rule impedes the ability of NATO to make rapid and effective decisions—especially on military operations. Concerns predate the agreement reached in November 2002 on a fifth round of enlargement involving seven Central and East European states, but they have also been fueled by resentment over intra-Alliance divisions related to the war in Iraq. In May 2003, the Senate gave voice to these concerns by asking the Bush administration to raise the possibility of changing the consensus rule and “suspending” a NATO member before the North Atlantic Council.

Options exist to facilitate decision-making on the planning and conduct of operations that would not fundamentally change the role of consensus, a procedure whose advantages should not be underestimated. However, a judicious balance needs to be found between the desire for efficient military action in response to common threats and the need to ensure that all members have a chance to be heard. Moreover, if the United States were to seek changes, it would face a Catch-22: the consensus rule can only be altered by consensus.

It should come as no surprise that North Atlantic Treaty Organization (NATO) officials are fond of citing Mark Twain’s retort to doomsayers that reports of his death were greatly exaggerated. Having survived many rough tests since its birth, the 54-year-old alliance is still working to recover from a bruising disagreement among its members over the decision by some to oust Saddam Hussein’s regime. Its services, however, are still very much in demand:

- About 37,000 NATO-led military personnel remain on crisis management duty in the Balkans.
- NATO recently launched its first out-of-Europe operation, taking command of the International Security Assistance Force (ISAF) in Afghanistan.
- In July 2003, the Senate voted unanimously to encourage the Bush administration to seek help from NATO in Iraq.
- Several prominent Members of Congress and nongovernmental experts have called for a NATO peacekeeping mission between Israelis and Palestinians.

But how does NATO make such commitments? Will a large—and enlarging—Alliance be capable of planning and managing potentially complex military operations in the future? Or do the drawbacks of running a “war by committee” (as some have described the 1999 Kosovo air campaign) make NATO an unwieldy instrument for managing modern coalition warfare? All of these questions revolve around the perceived ability of NATO, or lack thereof, to make timely and effective decisions to respond to 21st-century threats in a way that equitably shares the risks and responsibilities of Alliance membership.

Consensus: A Primer

Although international security affairs cognoscenti often refer to the NATO consensus rule, the North Atlantic Treaty does not specify how collective decisions are to be made, with one exception: the Article 10 provision that “unanimous agreement” is necessary to invite a state to join the Alliance. Absent any explicit voting procedure, NATO has developed a set of customary practices.

Most decisions are based on draft proposals circulated to all Allies by the Secretary General, who chairs the North Atlantic Council (NAC), or by the chairperson (always an International Staff [IS] official) of one of the hundreds of NATO committees and working groups. These draft proposals may be initiated by the Secretary General, the IS, or individual Allies. Written proposals generally are preceded by consultations in a variety of forums, including bilateral or multilateral discussions in allied capitals, allied missions at NATO Headquarters, the NAC, and committees and working groups established by the NAC. Such consultations are useful—in some cases, critical—to identify possible concerns or objections among Allies and to craft mutually acceptable solutions.

When a written decision or statement of position is deemed necessary, but some or all of the Permanent Representatives (PermReps) or their alternates cannot provide their respective authoritative national positions at the time of a specific NAC or committee meeting, the Secretary General or relevant committee chairperson may opt to circulate the draft proposal under a silence procedure.¹ If no Ally *breaks silence*—that is, notifies the IS in writing of its objection before the deadline set by the Secretary General or committee chairperson—the

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proposal is considered approved. However, if one or more Ally breaks silence, the proposal is normally referred back to the relevant body for further work to reach consensus. As a rule, NATO does not publicly identify which countries break silence, although national positions may be leaked (sometimes by the country breaking silence) if the issue is contentious. Moreover, as there is no formal voting procedure, there is no formal abstention procedure, either.

The Secretary General routinely aids consensus building through informal discussions at NATO headquarters with individual Allies or groups of Allies. He also can influence Alliance deliberations through his public statements and private meetings and correspondence with senior officials, legislators, or opinion leaders of allied governments. However, the Secretary General or other senior IS officials cannot overrule an Ally's position. Indeed, any perceived effort by a NATO official to run roughshod over an Ally's objections is apt to provoke sympathetic objections from other Allies who are wary of any precedent that could diminish their future prerogatives.²

The Power of the Rule

The consensus rule represents more than a mechanistic decisionmaking procedure. It reflects the NATO structure as an *alliance of independent and sovereign* countries, as opposed to a *supranational* body, and exemplifies for many the “one for all, all for one” ethos of the organization's collective defense commitment.³ NATO decisions are the expression of the collective will of its member governments, arrived at by common consent. Under the rule, no Ally can be forced to approve a position or take an action against its will. This is especially important for decisions on the potential use of military force, which are among the most politically sensitive for any Ally.

Even Article 5, the treaty's key collective defense provision, stops short of mandating the type of assistance to be provided by each Ally in the event of an attack against the territory of another.⁴ It is important to recall that the United States insisted on qualified language in this article largely to assuage concerns in Congress that its constitutional power to declare war not be ceded to any multilateral organization.

At the same time, the consensus rule allows NATO to respect distinctive national legislation that may bear upon the ability of Allies to contribute to certain NATO operations. For example, Norway and Denmark do not allow peacetime stationing of foreign troops or nuclear weapons. Similarly, German law requires a simple parliamentary majority to approve military deployments outside Germany, whereas Hungarian law requires a two-thirds majority. Iceland, for its part, does not have a national military force. Through the rule, NATO can build political and military solidarity through the Alliance as a whole without imposing one-size-fits-all standards on its diverse membership.

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The consensus rule forces Allies to undertake the widest possible consultations to build support for their ideas. No Ally, large or small, can be taken for granted. Despite its prominent role in the Alliance, the United States also relies on the consensus rule to protect its interests, to shape the views of others, and to integrate ideas offered by others to improve its proposals.

While sacrosanct in principle, the rule has proved flexible in practice. Three examples illustrate this point.

The French Connection. Following France's decision to withdraw from the NATO Integrated Military Structure in 1966, the other Allies turned increasingly to the Defense Planning Committee (DPC) to consider and decide upon most defense matters and issues related to collective defense planning. Created in 1963, the DPC was seldom used before the French withdrawal. Similarly, a Nuclear Planning Group (NPG), with the same membership as the DPC, was established soon after the French withdrawal to discuss specific policy issues associated with nuclear forces. Although

remaining active in the NAC, France was neither bound by, nor did it seek to impede, decisions made by consensus in the DPC or NPG.

In 1992, as NATO considered whether to launch its first out-of-area crisis response operation—maritime and air surveillance operations in the Adriatic in support of United Nations Security Council (UNSC) Resolution 713, which imposed an embargo on arms deliveries to Yugoslavia—the DPC allies agreed by consensus to discuss the issue in the NAC. This move eased the way for French participation in the operation, which was favored by Paris and broadly welcomed by other Allies. This also set the precedent for the *de facto* leading role of the NAC (versus the DPC) in subsequent crisis response operations in Bosnia, Kosovo, and Macedonia. Thus, while remaining formally outside the Integrated Military Structure, France has been a major player in decisionmaking and planning—as well as a leading force contributor—for all three of those non-Article-5 NATO operations. It also took part in the April 2003 NAC decision to bring the ISAF in Afghanistan under NATO command and control in August 2003. (French forces have participated in ISAF since its formation in January 2002.)

Kosovo. The 1999 NATO air campaign, Operation *Allied Force*, against the Federal Republic of Yugoslavia has been widely described—and decried by some—as a “war by committee.” Accounts differ regarding the NATO decisionmaking process during the campaign, but few challenge the existence of severe intra-Alliance strains; these ranged from issues regarding the legitimacy of NATO military action without an explicit UNSC resolution to the military strategy and tactics pursued during the conflict.⁵ On balance, however, the consensus rule probably did more to help than hinder an ultimately successful NATO effort.

The rule allowed Allies with differing views—some emphasizing the humanitarian crisis and human rights abuses, others worried by the precedent of NATO “offensive” action against a sovereign state—to find enough common ground to endorse, or at least not to block, *Allied Force*. The rule was particularly important for the Greek government, which ultimately decided not to break silence on key NAC decisions authorizing the use of force despite polls showing that some 95 percent of its public opposed NATO intervention. At the same time, Greece opted out of direct involvement in the combat operations.

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The nuance between a decisionmaking procedure that allows an Ally to *acquiesce* in a collective decision (despite its public or private reservations) and a procedure that would oblige that state to cast a *yea* or *nay* vote in the NAC may appear, at first blush, insignificant. In practice, the nuance matters enormously. If PermReps had been required to “raise hands” to approve *Allied Force*, the Greek government may not have been able to resist the domestic political pressure to vote against it. Such a move by Greece might have made it easier for one or two other reluctant Allies to follow suit.

The inherent flexibility of the consensus rule also was demonstrated in decisionmaking on the timing, strategy, and tactics of *Allied Force*. For example, during the crisis, the NAC frequently decided not to engage subordinate committees. This kept sensitive NAC discussions as private as possible and facilitated its rapid decisions, normally with a 48-hour (or less) turnaround. Then-Secretary General Javier Solana played a key role in reconciling divergent views within the NAC using a “summary of discussions,” one of several techniques devised to avoid putting any single Ally “on the spot.” Furthermore, the NAC delegated to Solana the authority to implement, suspend, or terminate the Limited Air Response—the first phase of the air campaign. In this way, the NAC ceded (by consensus) the decision to Solana to initiate a preapproved spectrum of airstrikes. There were differences later among Allies over target selection and mission assignments, but these generally were solved through bilateral channels outside NATO and involved only the parties directly concerned.

In sum, while extraordinary efforts were required to maintain consensus throughout *Allied Force*, these arguably were vital to preserving NATO solidarity and ultimately achieving its stated objectives in Kosovo.

September 11. The consensus rule did not prevent NATO from acting quickly—that is, within 24 hours of the terrorist attacks on September 11, 2001—to invoke, for the first time in its history, Article 5. Although the immediate operational impact of that action was negligible, the NAC decision was a powerful political statement of solidarity that was warmly welcomed by the United States. After all, the shock of the attacks was soon compounded by warnings of additional, imminent, and potentially catastrophic terrorist strikes.

Did the existence of the rule, however, prevent NATO from assuming a more prominent role in the campaign against terrorism, especially during the first several months after September 11? Probably not. Other factors clearly motivated the U.S. approach, such as America’s unquestioned right to self-defense in response to a direct attack on its territory; an early recognition that NATO could not coordinate all the tools—diplomatic, intelligence, economic, financial, law enforcement, as well as military—needed for a sustained campaign against organizations such as al Qaeda; and the need to enlist and maintain support from the vast majority of non-NATO and Muslim states who reject terrorism. (The latter goal made it critical to avoid sending any public signal that the campaign was NATO’s war against terrorism—or worse, NATO’s war against Muslims.⁶) An additional factor in U.S. thinking with respect to the campaign in Afghanistan was the limited capability of most Allies to support long-range power projection. Thus, the United States supported an important but not lead role for NATO.

Still, the rule’s existence did have some effects. It probably facilitated the October 4, 2001, NAC agreement on eight specific measures of assistance requested by the United States, including the deployment of five airborne warning and control system (AWACS) aircraft and crews to help defend U.S. airspace. The consensus procedure allowed every Ally to contribute to the collective effort in areas identified on the approved menu but did not obligate Allies to take action in every area. On the other hand, the consensus rule allowed one Ally (not the United States) to block a proposal in the NAC in late 2001 that would have directed NATO military authorities (NMAs) to develop planning options for NATO support to humanitarian relief operations in Afghanistan.

Concern over the Rule

If the consensus rule is not broken—at least not severely—why fix it? Proposals to reexamine the NATO decisionmaking process reflect two broad types of future-oriented concerns: the anticipated effects of enlargement and the prospect of a growing number of impasses over the planning and launching of NATO operations. While these concerns are

interrelated, there are notable differences in their presumed *targets*.

Enlargement Jitters. Before September 11, key Members of Congress and some in the Executive Branch were of two minds on the breadth of a fifth round of NATO enlargement, although there was little doubt that the Alliance would issue invitations to at least a few Central and East European states at its November 2002 summit in Prague.⁷ On the one hand, the geopolitical rationale for a robust enlargement to help complete a “Europe whole and free” was widely accepted.⁸ On the other hand, Congress repeatedly signaled its concern—as it had prior to the 1997 invitations to the Czech Republic, Hungary, and Poland—that the Prague invitees must be prepared politically and militarily to become security *providers*, not just security *consumers*, vis-à-vis NATO.

The political jitters were symbolized by the so-called Meciar problem in the Slovak Republic. In 1998, Vladimír Meciar, the authoritarian and corrupt Slovak prime minister since 1992, was ousted by a broad coalition of opposition parties, but he remained an influential political force. Would NATO risk embarrassment, some in Washington wondered, if Slovak voters returned Meciar or his party to power once their country was invited to join? Worse, following Slovak accession to NATO, would a new Meciar-dominated government hesitate to abuse the consensus rule and paralyze the Alliance if it served his narrow political interests? Moreover, Meciar was not a unique case; similar concerns were voiced, for example, regarding former Romanian and Bulgarian political figures.

The ability and willingness of some NATO aspirants to meet their defense capabilities commitments to the Alliance also worried American lawmakers and officials. The so-called burdensharing debate was as old as NATO itself, and Members of Congress were well aware that several longtime Allies—as well as newer Allies such as Hungary—had disappointing records when it came to providing the forces and capabilities the Alliance required. Would a robust enlargement, some worried, bring more free riders into the Alliance, eroding its military effectiveness? The consensus rule clearly was not the cause of any Ally’s military deficiencies. Yet it did complicate efforts to exert peer pressure within NATO on weak performers, who not surprisingly resisted efforts by the United States, the Secretary General, and some other Allies to publish more

data on the defense capabilities performance of individual members.

In the months following September 11, such political and military concerns about enlargement receded as the aspirants demonstrated support for the U.S.-led campaign against terrorism and, in most cases, willingness to address defense reform and modernization issues. During their 2002–2003 hearings on enlargement, Senate and House committees turned to other issues. Would the addition of several new members, albeit well-intentioned, slow down the urgent transformation needed to give NATO the capabilities and structures to meet 21st-century threats such as terrorism, its state supporters, and the proliferation of weapons of mass destruction? Or would enlargement make it even harder to reach a consensus on threats to the Alliance, the strategy and capabilities necessary to meet those threats, and—most of all—a decision to take military action promptly, perhaps preemptively, to protect common security interests?

The Rule under Fire. If enlargement jitters first focused congressional attention on NATO decisionmaking, the contentious intra-Alliance dispute over Iraq in early 2003 apparently convinced some Senators that the consensus rule must be changed.

The dispute was an extension of differences at the time within the UNSC. The United Kingdom, with American support, favored a new UNSC resolution explicitly authorizing the use of force against Iraq, while France and Germany opposed such a step. When the U.S. PermRep first suggested in late January that NMAs begin planning for the defense of Turkey in view of the potential threat from Iraq, Belgium, France, Germany, and (initially) Luxembourg balked. Such planning, they argued, was premature at best; at worst, in their view, it would send a harmful political signal that NATO accepted the “logic of war” with Iraq, thus prejudicing their nations’ positions at the United Nations.

The dispute came to a head with Turkey’s formal request, on February 10, for consultations in the NAC.⁹ As part of those consultations, the Chairman of the Military Committee briefed the NAC on the potential Iraqi threat and explained the timelines necessary to prepare plans to reinforce Turkish defenses. When Turkey’s PermRep requested that the NAC direct

the NMAs to prepare such plans for consideration by the NAC, three allied PermReps—soon revealed to be those of Belgium, France, and Germany—again objected. Secretary General George Robertson quickly circulated a formal decision sheet, whereupon those three Allies formally broke silence.

The now very public argument lasted several more days before Belgium and Germany agreed, for a variety of reasons, to a face-saving compromise: Turkey’s request was moved from the NAC to the DPC, where France is not represented. The DPC quickly reached consensus, on February 16, on guidance to the NMAs to prepare plans to help protect Turkey

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through, for example, the deployment of NATO AWACS and support to Allied deployments of theater missile and chemical and biological defense capabilities. The NMAs completed the planning in the next few days, and on February 19, the DPC authorized the NMAs to implement the agreed assistance to Turkey.

Although NATO officials understandably tried to put the best face possible on the incident—Secretary General Robertson described it as “damage above, not below, the waterline”—its impact, particularly in Washington, should not be underestimated.¹⁰ For some, at least, the consensus rule appeared to have outlived its usefulness. As Senator Jack Reed (D-RI) told his colleagues on May 8:

First, I agree that we must eliminate the “consensus rule,” the antiquated requirement in the NATO charter that nearly prevented NATO from protecting one of its own members, Turkey, before the commencement of Operation Iraqi Freedom. . . . Secondly, I support the need for a new rule in NATO that authorizes the members of the alliance to suspend the membership of any country in NATO which no longer supports the ideals of the alliance. The recent refusal of support on the part of some of our NATO allies during the build-up for and execution of Operation Iraqi Freedom has shown the need for such a change.¹¹

The Congress Speaks

Senator Reed’s remarks were delivered in the context of Senate floor action on its resolution of advice and consent to ratification of the treaty protocols on NATO enlargement. The resolution, which passed 96–0, contains a “Sense of the Senate” amendment sponsored by Senators Carl Levin (D-MI), Pat Roberts (R-KS), and John Warner (R-VA). While the amendment does not endorse Senator Reed’s prescriptions, it clearly reflects an undercurrent of impatience with customary NATO decision-making procedures. In brief, the amendment recommends that the President place on the NAC agenda for discussion, by late 2004:

- the NATO consensus rule
- “the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with the NATO principles of democracy, individual liberty, and the rule of law.”

The amendment also provides for a Presidential report on such discussions to the appropriate congressional committees. The report would describe, *inter alia*:

- “methods to provide more flexibility to the Supreme Allied Commander Europe to plan potential contingency operations before the formal (NAC) approval of such planning”
- “methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns.”

Additional legislative action related to the consensus rule followed over the summer. Specifically, the fiscal year 2004 Defense Authorization Bill pending before Congress was amended to require the Secretary of Defense to report to appropriate committees on his recommendations for “streamlining defense, military, and security decisionmaking within NATO.” At least some sponsors of the amendment appear to favor increased, perhaps exclusive, reliance on the DPC (versus the NAC) for any decision affecting Alliance defense capabilities and force structures, to include the NATO Response Force (NRF) now being set up.¹²

The administration’s next steps on these congressional suggestions are not clear. Before the May 8 Senate action, however, Secretary of State Colin Powell expressed the administration position: “We believe that the current decision-making procedures work well and serve United States interests. . . . NATO is an alliance, and no NATO member, including the United States, would agree to allow Alliance

decisions to be made on defense commitments without its agreement.”¹³

Possible New Approaches

In view of past experience and Congressional expectations, how might NATO streamline its decisionmaking process?

To begin tackling this question, one must first appreciate that NATO makes literally thousands of decisions annually, each of which is tied, directly or indirectly, to a consensus procedure. With few exceptions, these decisions fall into five broad categories:

- broad political and military strategies, which are reflected in documents such as the Alliance Strategic Concept and Ministerial Guidance and in decisions regarding enlargement
- military structure and planning functions, covering areas such as the NATO command and force structure, capabilities development, and contingency operational planning related to potential military missions
- authorizing, monitoring, and adjusting collective defense and crisis management operations, such as Article 5 assistance to the United States following September 11 and NATO-led operations in the Balkans and Afghanistan
- organizational and management concerns, to include defining the responsibilities and overseeing the operations of the IS, International Military Staff, and various NATO agencies
- resource and budgeting issues involving NATO collective assets, personnel, infrastructure, and operational funding.

The possible approaches outlined below will focus on the issues of contingency operational planning (options 1 and 2) and the approval and conduct of military missions (options 3 and 4), as these involve the greatest political sensitivities for Allies. It should be noted, however, that NATO has taken modest steps over the past year to streamline its decisionmaking process in other areas—for example, by reducing the number of its committees and increasing the Secretary General’s authority in day-to-day management and budgetary decisions. Additional steps are under consideration to include revamping the “defense planning” process that identifies NATO-wide capabilities requirements and establishes commitments by individual Allies toward meeting those requirements.

Option 1: “Threatened Ally” Rule.

Broadly speaking, under existing rules, the NMAs prepare only those contingency operational plans for which the NAC has provided

political guidance. Historically, this has constrained formal contingency operational planning to a relatively small number of Cold War-style Article 5 scenarios, although a few years ago, the Military Committee (MC) was given limited authority to initiate contingency planning covering a range of medium- and longer-term threats. The NAC, however, has retained the authority for initiating and approving all operational plans developed in response to an actual or fast-breaking crisis. As seen in the February 2003 dispute, the existing consensus rule can slow that initiation process if, for example, one or more Allies fear this planning authorization will send an unwelcome political signal.

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Under a “threatened Ally” rule, any Ally (or combination of Allies) could request that the NMAs prepare contingency operational planning options if it sees a threat to its territorial integrity, political independence, or security. The request would be automatically approved by the NAC, unless a consensus of other Allies objects.

Pros: This option would be consistent with Article 4 of the Treaty.¹⁴ However, while respecting the principle of consensus, the option shifts the burden of proof from the “threatened” to the “nonthreatened” Allies. The latter would require a consensus to determine that such contingency operational planning was unneeded or unwise—a high threshold for most Allies to cross. For example, had such a rule existed in February 2003, Turkey’s request that NATO begin planning for possible defensive assistance would have been approved quickly and an embarrassing public stalemate might have been avoided.

By abbreviating the NAC role in authorizing the start of contingency operational planning, NATO gains a potentially faster turnaround between the appearance of a threat and the NMA preparation of military options. At the same time, the NAC would retain its power to decide by consensus whether any of the planning options is modified or eventually adopted.

Cons: For some Allies, this option might appear to carry a risk of politically provocative planning requests by one or more Allies to deal with imagined or grossly exaggerated threats. Those threats might reflect deteriorating relations between Allies or between an Ally and a neighboring country that is outside the Alliance. However, the history of NATO should be very reassuring on this point: there is no precedent of an Ally making a frivolous proposal to undertake contingency operational planning. Moreover, any Ally contemplating such a move would run a high risk of receiving an embarrassing rebuff from the rest of the Alliance, including the United States.

Option 2: “SACEUR’s Discretion”

Rule. Under this option, the NAC would grant broad discretionary authority to the Supreme Allied Commander, Europe (SACEUR), to prepare and update, as necessary, contingency operational plans for a broad range of potential NATO military missions. The SACEUR would keep the Secretary General and MC informed of such plans.

Pros: This rule would adopt at NATO essentially the same approach used by the United States for its unified combatant commanders. The latter are expected to keep fully abreast of evolving threats in their areas of responsibility and to develop and maintain contingency operational plans to counter those threats. Such planning is considered prudent business as usual and in no way prejudices the President’s decisionmaking authority to commit U.S. forces to a specific operation.

As in option 1, the NAC would retain its power to decide whether any of the planning options are executed. However, the availability of contingency operational planning by the SACEUR likely would shorten the time needed by the NAC to consider its response to a fast-breaking crisis. This option also would have avoided the February 2003 impasse over planning for Turkey’s defense.

The rationale for such a move is especially compelling in light of the Alliance’s decision to create the NRF. The NRF, as envisioned by most Allies, is to be capable of initiating a deployment to wherever it is needed within several days of a NAC decision. To meet such an ambitious response time and maximize NRF effectiveness, considerable contingency operational planning will be necessary, recognizing that any such advance planning will always need to be adjusted in light of the actual crisis at hand.

Cons: Such an option might raise two main concerns: first, it departs from long-standing NATO practice that the NAC (or DPC) must, as a rule, agree on political guidance to the NMAs before they undertake operational planning options; and second, to some Allies, it might appear to delegate too much discretion to the most senior U.S. military officer in the Alliance.¹⁵

To address the aforementioned concerns, the option might be modified to give the Secretary General (by tradition, always a European) the authority to direct the SACEUR to prepare contingency operational plans based on the Secretary General's sense of the NAC, that is, without recourse to a formal NAC decision. This arrangement—similar to that used by Secretary General Solana during the Kosovo crisis—could achieve the desired practical results, while preserving some political wiggle room for those Allies who might be hesitant, for a variety of reasons, to have such planning initiated by the NAC. Of course, if the Secretary General is not an activist personality, he or she might be reluctant to exercise such discretionary authority.

Some Allies might argue that such an option is unnecessary, as they assume that informal contingency operational planning is ongoing and would be available quickly in a crisis. This is not, however, a convincing argument. It implicitly acknowledges the usefulness of greater planning flexibility but sends a confusing “don't ask, don't tell” message to the multinational military planners. Indeed, Allies who are European Union (EU) members logically should favor a broad spectrum of contingency operational planning by NATO, as the EU has assured access to NATO operational planning capabilities under arrangements finalized in late 2002. More robust planning within NATO would benefit the EU ability to mount crisis response missions where NATO as a whole has decided not to engage.

Option 3: Empowering “Coalitions within NATO.” Under this approach, a NAC consensus would continue to be required to authorize a NATO operation. In a departure from current practice, however, the NAC could mandate a NATO committee of contributors (NCC), chaired by the Secretary General, to carry out the operation on behalf of the Alliance. This committee would be comprised of those Allies prepared to contribute forces or

capabilities to the operation, and it would enjoy full access to NATO common assets and capabilities (for example, NATO AWACS and communications systems) and the NATO command structure. It would approve the concept of operations, rules of engagement, military activation orders given to the SACEUR, and other needed steps to implement the operation. The Secretary General would periodically brief Allies who are not members of the NCC on significant developments affecting the operation, but those Allies would not participate in determining the

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daily management of the operation. Finally, those Allies who have elected not to belong to the NCC could not by themselves reopen its mandate in the NAC; to do so, they would need support from some threshold (for example, at least one-third) of the NCC membership.

Pros: This option would preserve the consensus rule for approving NATO operations. It would track with past practice, whereby an Ally with reservations about a particular operation will not break silence if there is overwhelming sentiment in the NAC to proceed. It also would take into account the potentially greater difficulty of reaching common threat assessments among all Allies where non-Article-5 crises outside the Euro-Atlantic region are involved—especially as such crises might have very disparate impacts on interests of individual Allies and, as a result, their willingness to employ military force.

The NCC would make it easier for those Allies who do share a common threat assessment to draw on NATO assets and proceed with the Alliance's political blessing to implement non-Article-5 crisis response missions. By removing the ability of those who are not engaged in the operation to influence its day-to-day conduct, this approach could accelerate decisionmaking and avoid the image of war by committee attributed to Operation *Allied Force*. The NCC also would be inclusive rather than exclusive: no Ally could block another's participation, and Allies who are unable to contribute at the outset would retain the option

of joining the NCC at a later stage. Finally, the NCC might be particularly appealing to Allies who are also EU members, as a similar “committee of contributors” arrangement exists in the EU European Security and Defense Policy to accommodate the potential contributions of non-EU members to EU-led operations.¹⁶

Cons: The option would raise some important practical issues. For example, NATO presumably would need to agree on relatively transparent standards that discourage some Allies from providing a minimal contribution (in relation to their national capabilities) simply to secure a seat at the NCC table. The issue of ensuring rough parity between an Ally's practical contribution to an operation and its influence over operational decisions is not new, but past NATO practice has been to deal with this behind the scenes on a case-by-case basis.¹⁷

A more difficult question is whether an NCC approach would erode the NATO “one for all, all for one” ethos. For example, this option conceivably might make it easier—that is, politically more respectable—for some Allies to opt out of NATO-led operations. This in turn could weaken their incentives to develop the military capabilities needed to support a range of potential NATO missions.

Moreover, any NCC option would need to avoid inflaming some Allies' suspicions that Washington views NATO essentially as a toolbox from which the United States selects a few partners to join in U.S.-led coalitions of the willing. The toolbox notion is deeply troubling to other Allies, as it implies that their forces and capabilities would become instruments for policies and military operations decided by the United States with minimal, if any, real consultation within the Alliance. None of the other Allies would find it politically possible over the long term to sustain such a position. An NCC that ensured Allies a significant role in decisionmaking, commensurate with their contributions, would alleviate such concerns.

Option 4: “Consensus Minus” Rule.

Under this rule, a NAC consensus would remain the preferred decisionmaking mechanism to authorize a NATO operation. However, if consensus were not possible, the NAC could authorize an operation by a process similar to the EU qualified majority vote (QMV).

Under the QMV process, the EU Treaty assigns each member a number of votes weighted on the basis of its population, with a

correction factor to give some added protection to members with the smallest populations. The current 15 EU members have a total of 87 votes, with individual allocations ranging from 10 votes for each of the 4 largest—Germany, the United Kingdom, France, and Italy—to 2 votes for the smallest, Luxembourg. A proposal subject to QMV must receive at least 62 votes for approval, which effectively prevents the 4 largest countries from forcing through a measure opposed by all the others and similarly prevents any 2 of the largest from blocking a measure supported by all the others. Under its draft constitution, which is under review by an inter-governmental conference, the QMV allocations must be changed to reflect the EU enlargement from 15 to 25 members in 2004. It is important to note, however, that the existing EU Treaty and the draft constitution specifically exempt “decisions having military or defense implications” from QMV procedures.¹⁸ Such decisions must be made unanimously, although EU members have an option to abstain.

Pros: There is no inherent contradiction between a QMV procedure, if agreed among all Allies, and the principle that the NAC must authorize any NATO operation. Depending on its modalities, a QMV procedure could make it very difficult, perhaps impossible, for one Ally or a small number of Allies to block an operation desired by others. This option could be combined with option 3, allowing an NCC to be mandated by QMV.

Cons: This option would represent a radical break with NATO tradition and carry the highest risk of undermining its political and, eventually, military cohesion. The task of designing and negotiating a QMV system appropriate for a political-military alliance of sovereign states would be daunting, at best, and bitterly contentious, at worst. A population-based formula similar to that of the EU would be unacceptable to a number of small and middle-sized Allies, some of whom are among the most solid contributors to NATO-led operations. Formulas based on indexes such as defense spending as a percentage of gross domestic product or the size, readiness, and capabilities of national forces available for NATO-assigned missions would be complicated and need adjustment on a regular basis.

Moreover, it would be extremely difficult, if not impossible, to gain NATO approval for a QMV formula that did not provide at least a theoretical possibility that the United States could be outvoted in the Alliance—a possibility

that the Congress certainly would find intolerable. Similarly, it is hard to see why Allies (including the United Kingdom and Spain) who have strongly opposed a QMV procedure for military and defense matters within the EU would find it easier to swallow in NATO. As United Kingdom Minister for Europe Denis MacShane stated in June 2003:

After a great deal of blab blab, foreign policy often ends up with a decision on whether a soldier is to risk his life somewhere. The idea that an institution in Brussels can at the present time send out a young man from my constituency or from a German or Spanish town to risk his life, or even to die, is unthinkable for me. When we now send our boys out, this has been decided by our government, answerable to parliament.¹⁹

Although Minister MacShane was responding to a question about QMV in the EU, his remarks almost certainly reflect broader European sentiment with regard to NATO as well.

the Alliance has dealt with members whose governments have not always supported democratic values

In sum, options exist to facilitate decision-making on the planning and conduct of operations without fundamentally changing the consensus rule, but none is cost-free. Only option 4 is clearly beyond the pale—for both the United States and its Allies.

The Suspension Issue

As previously noted, the Senate recommendation that the NAC discuss “a process for suspending the membership in NATO of a member country” appears to be a shot across the bow of two groups: current Allies (Belgium, France, and Germany) who disagreed with the U.S. invasion of Iraq; and the seven countries invited to join the Alliance in Prague. In addition, some Senators might have wanted to put down a warning marker to several NATO aspirants beyond the Prague invitees, such as Albania, Macedonia, and Croatia. Regardless of its motivation, the Senate resolution raises a number of fundamental issues on NATO ability to sanction the behavior of its members.

The North Atlantic Treaty itself is silent on the question, although Article 13 provides for an Ally to withdraw voluntarily 1 year after depositing a “notice of denunciation” with the United States. Still, the Alliance has dealt with members whose governments have not always supported democratic values. When such situations arose—for example, with Greek and Turkish military regimes in the late 1960s and early 1970s—other Allies effectively isolated or excluded them from sensitive discussions. In those instances, suspending either or both would have risked sparking a nationalist backlash against the Allies—or possibly a war between the two long-time adversaries.

In contrast, the EU Treaty contains a detailed, three-stage process for suspension: first, a determination that there is “clear risk of a serious breach” of basic EU principles, including “respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights”; second, a determination that a serious breach has occurred; and finally, a decision (under QMV procedures) to suspend certain rights, including voting rights, of the EU state in question. The EU has never invoked the suspension process, although its members agreed to limited political sanctions against Austria in 2000.²⁰

It is not clear that the EU offers a useful model for NATO. While there can be no guarantee that a corrupt or authoritarian leadership will never come to power in one of the states recently invited to join the Alliance, chances of this happening in the foreseeable future appear relatively slim—thanks, in part, to the NATO Membership Action Plan for aspirant states. Similarly, if the Senate intended to underscore its concern that incoming Alliance members follow through on pledges to modernize their military structures, the resolution’s language misses the mark. It does not address the issue of several current Allies who are solid democracies but lackluster performers in terms of providing relevant military capabilities to NATO.

Ultimately, any presumed benefit in raising the suspension issue now must be weighed against the downsides of telling incoming Alliance members, in effect, that the United States is worried enough about their future performance that it might favor changing the rules of the game just as they are entering the Alliance. Such a perceived message might

undercut strong pro-NATO sentiment in the aspirant countries and risk a backlash against Washington not unlike that generated against Paris when President Jacques Chirac scolded the new EU invitees in February 2003 for “having missed a good opportunity to shut up” when they expressed support for U.S. policy on Iraq.²¹

As for the three Allies who openly differed with the United States (and, it should be recalled, with many of the other Allies as well) on Iraq, it appears that bilateral relations, while still problematic, have thawed somewhat since the Senate crafted its resolution. This may, over time, reduce Senate interest in pressing the administration to explore ways to sanction those three, especially France, through NATO mechanisms.

Indeed, there are good reasons for thinking twice before proceeding down this path. Even those Allies who supported the United States on Iraq will resist any move to systematically marginalize French involvement in major NATO decisions—as envisaged, for example, by the aforementioned amendment to the FY 2004 Defense Authorization Bill. France remains a prominent force contributor to NATO-led missions in the Balkans and to ISAF, a major proponent of improving European defense capabilities, and a potential serious contributor to the NRF. Moreover, its key political and economic role within the EU makes it an indispensable—albeit sometimes difficult—partner for all other EU members. More broadly, it is difficult to imagine any Ally—or new invitee—would be willing to endorse the notion, however masked, that a policy disagreement with Washington could be grounds for suspending a member from the Alliance.

To paraphrase Winston Churchill’s celebrated remark about democracy, the consensus rule is perhaps the worst way to manage the Alliance—except for all the others. Yet the rule, as practiced thus far, has not paralyzed the Alliance in the Balkans or Afghanistan. With some relatively straightforward adjustments—for example, according greater contingency operational planning authority to the SACEUR or Secretary General, or establishing a NCC option—the rule, like NATO itself, can continue to adapt to the 21st-century security environment.

No Ally, however, will agree to change current decisionmaking procedures in a manner deemed contrary to its interests. This is a

Catch-22 for NATO: consensus will be needed to alter the consensus rule. Thus, if United States were to seek to change the rule, it would need to build an alliance constituency to do so.

Notes

¹ Each Ally is represented on the North Atlantic Council (NAC) by an ambassadorial-level Permanent Representative. Normally, the NAC meets at least once a week, and, depending on the issue, some permanent representatives may need guidance or approval from higher authorities in their capitals. The NAC meets regularly at the foreign minister and defense minister levels and holds periodic summits at the heads of state/government level. The consensus rule applies as well to decisions made and statements issued at ministerial and summit meetings.

² Similar customary practices apply to the NATO military authorities (NMAs), headed by a Military Committee (MC). The MC includes a military representative from each Ally, and the chairman of the Military Committee reports to, and receives political guidance from, the NAC. The International Military Staff, Supreme Allied Commander, Europe, Supreme Allied Commander, Transformation, and various headquarters commands are part of the NMA structure.

³ The rallying cry “one for all, all for one” is found in Alexander Dumas, *The Three Musketeers*.

⁴ Article 5 reads, in part: “The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, *such action as it deems necessary*” [emphasis added], including the use of armed force, to restore and maintain the security of the North Atlantic area.”

⁵ Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (New York: Public Affairs, 2001), offers the most extensive account to date on decisionmaking during the Kosovo air campaign.

⁶ Deputy Secretary of Defense Paul Wolfowitz discussed these points at the September 26, 2001, NATO Defense Ministerial. A transcript of his press conference remarks can be found at <http://www.defenselink.mil/news/Sep2001/t09272001_t0926na.html>. It should be noted that none of the other allied ministers suggested that NATO assume leadership of military operations against al Qaeda and the Taliban.

⁷ Since 1949, the Alliance has grown from 12 to 19 members in 4 rounds of enlargement, adding Greece and Turkey in 1952, the Federal Republic of Germany in 1955, Spain in 1982, and the Czech Republic, Hungary, and Poland in 1999. At Prague, NATO issued invitations to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

⁸ White House, Office of the Press Secretary, remarks by the President in an address to faculty and students of Warsaw University, Warsaw, Poland, June 15, 2001, accessed at <<http://www.whitehouse.gov/news/releases/2001/06/20010615-1.html>>.

⁹ Article 4 of the Treaty states: “The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.” A similar situation arose before the 1991 Gulf War. In that case, NATO deployed AWACS to eastern Turkey shortly after the invasion of Kuwait but was slow in responding to a subsequent Turkish request to deploy NATO airstrike assets to protect against potential Iraqi threats. The latter issue was resolved without a Turkish invocation of Article 4.

¹⁰ Secretary General Lord George Robertson, speech to the European Institute, Washington, DC, February 20, 2003, accessed at <<http://www.nato.int/docu/speech/2003/s030220b.htm>>.

¹¹ U.S. Congress, Congressional Record—Senate, May 8, 2003, S5882.

¹² At the Prague Summit, NATO leaders agreed to create an NRF “consisting of a technologically advanced, flexible, deployable, interoperable and sustainable force including land, sea, and air elements ready to move quickly to wherever needed, as decided by the (NAC).”

¹³ Colin Powell, letter to Senator Richard Lugar, Chairman, Committee on Foreign Relations, May 5, 2003.

¹⁴ See endnote 9.

¹⁵ The Supreme Allied Commander, Europe (SACEUR), is General James L. Jones, USMC. Like his predecessors who have served as NATO SACEUR, General Jones is “dual-hatted” as Commander, U.S. European Command.

¹⁶ Barring any surprises in the ongoing NATO and EU accession processes, 19 Allies will be among the 25 EU members by mid-2004.

¹⁷ Clark, *Waging Modern War*.

¹⁸ Consolidated version of the Treaty on European Union, Title V, Article 23; accessed at http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/c_325/c_32520021224en00010184.pdf; draft treaty establishing a Constitution for Europe, Chapter II, Article 40, para. 4; accessed at <http://european-convention.eu.int/docs/Treaty/cv00850.en3.pdf>.

¹⁹ Interview in *Frankfurter Allgemeine*, June 20, 2003, 6.

²⁰ At issue was the conservative government’s decision to form a coalition with the right-wing party headed by Joerg Haider. By most accounts, the sanctions, which lasted several months, were more an embarrassment than a success for the European Union.

²¹ Press conference of President Jacques Chirac at the EU Summit, February 17, 2003, accessed at <<http://www.elsee.fr/documents/discours/2003/CP030217.html>>.

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